

REMARKS

Claims 1-16 are pending in this application. By this Amendment, claims 4 and 5 are amended. No new matter is added by this Amendment. Support for the language added to claim 4 can be found throughout the original specification and in original claim 5.

I. Rejections Under 35 U.S.C. §112, second paragraph

A. Claims 4-7 and 12-14

Claims 4-7 and 12-14 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Specifically, the Patent Office alleges that it is unclear what constitutes a "high-strength" polyester yarn. This rejection is respectfully traversed.

Applicants have amended claim 4 to recite "polyester yarns having a breaking tenacity of 50 to 100 cN/tex," and to delete the term "high-strength." Thus, this rejection is now moot.

Reconsideration and withdrawal of the rejection are thus respectfully requested.

B. Claim 9

Claim 9 was rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Specifically, the Patent Office alleges that it is unclear what constitutes a "bright color." This rejection is respectfully traversed.

Applicants submit that the term "bright color" is clear to one of ordinary skill in the art. For example, GB 2 040 327 ("GB 327") refers to typical seat belt colors, such as gray or black, as "neutral colors," and indicates that "bright colors" are, for example, red or blue. See page 1, lines 8-12 and 18-20 of GB 327. Further, the present specification indicates that the bright color may be, for example, yellow. See paragraph [0019] of the present specification.

Thus, in view of the ordinary meaning of the term, and the known use of this term in the art, it is evident that one of ordinary skill in the art readily understands that the term "bright color" refers to any color that is not a typical or neutral color, such as red, blue and/or yellow.

For at least the foregoing reasons, Applicants submit that claim 9 is definite.

Reconsideration and withdrawal of the rejection are thus respectfully requested.

II. Rejections Under 35 U.S.C. §103(a)

A. Marshall and JP 479

Claims 1-4 and 9-11 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 4,800,117 ("Marshall") in view of JP 10-140479 ("JP 479"). This rejection is respectfully traversed.

Marshall teaches applying an amide melamine wax to synthetic multifilament yarn, which can be woven into a narrow fabric. See column 1, lines 65-68 of Marshall. The fabric may then be dyed with disperse dyestuffs in a continuous process which requires the use of heat. See column 3, lines 11-13 of Marshall. In contrast, JP 479 teaches spun-dyed polyester fiber suitable for use in weaving a seat belt. See the Abstract of JP 479.

The Patent Office alleges that it would have been obvious to have modified the method of Marshall with the spun-dyed polyester fiber taught by JP 479. Applicants respectfully disagree.

One of ordinary skill in the art would not have modified the teachings of Marshall with the teachings of JP 479 as alleged by the Patent Office. Specifically, one of ordinary skill in the art would not have been motivated to apply two separate dyeing steps, as required in the present claims. In other words, one of ordinary skill in the art would not have (1) dyed the filaments in a spun dyeing process as taught by JP 479, (2) weaved a seat belt webbing, and (3) then again dyed the woven seat belt with disperse dyes as taught by Marshall, as alleged by the Patent Office.

Once a spun-dyed filament for a set belt is produced, there is no reason to apply a second dyeing step at all, since the reason for dyeing, i.e., rendering a certain color to the filament, has already been accomplished. The addition of any other dyestuff would change

the appearance of the obtained filament, which is not desirable. Even if it were desired to add an additional dyestuff, for example to achieve a different color caused by the mixing of more than one dyestuff, then the second dyestuff would be applied during the spinning of the filament.

Thus, contrary to the Patent Office's allegations, one of ordinary skill in the art would not have combined the teachings of Marshall and JP 479 to achieve the method recited in the present claims.

The Patent Office also alleges that due to the fabric of Marshall being resistant to abrasion, one of ordinary skill in the art would have combined the spun-dyed fibers of JP 479 with the teachings of Marshall. However, as described above, one of ordinary skill in the art would not have combined two different methods of dyeing as alleged by the Patent Office. Moreover, the abrasion resistance taught by Marshall is achieved by the wax formed in-situ on the fiber by reacting melamine with a fatty acid. It is quite clear to those of ordinary skill in the art that wax reduces friction and consequently reduces abrasion. Thus, if JP 479 were to have been combined with Marshall as alleged by the Patent Office, one of ordinary skill in the art would have applied the wax taught by Marshall as a second step to provide resistance to abrasion, and not subjected the fabric to a water-bath containing at least one disperse dye, as required in the present claims, especially because the spun-dyed fibers would have provided the color for the fabric.

For the foregoing reasons, Applicants submit that Marshall and JP 479, in combination or alone, do not teach or suggest all of the features recited in claims 1-4 and 9-11. Reconsideration and withdrawal of the rejection are thus respectfully requested.

B. Marshall, JP 479 and GB 327

Claims 5-9 and 12-16 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Marshall and JP 479, and further in view of GB 2,040,327 ("GB 327"). This rejection is respectfully traversed.

Similar to JP 479, GB 327 also teaches the use of two spun-dyed yarns. As described in detail above, one of ordinary skill in the art would not have combined the method including dyeing a fabric with disperse dyestuffs as taught by Marshall and the method of forming a colored fabric by using spun-dyed yarns as taught by JP 479 and/or GB 327.

For the foregoing reasons, Applicants submit that Marshall, JP 479 and GB 327, in combination or alone, do not teach or suggest all of the features recited in claims 5-9 and 12-16. Reconsideration and withdrawal of the rejection are thus respectfully requested.

C. Marshall, JP 479 and Van Leeuwen

Claims 5-8 and 12-16 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Marshall and JP 479, and further in view of U.S. Patent No. 4,473,617 ("Van Leeuwen"). This rejection is respectfully traversed.

Similar to JP 479 and GB 327 discussed above, Van Leeuwen also teaches the use two spun-dyed yarns. As described in detail above, one of ordinary skill in the art would not have combined the method including dyeing a fabric with disperse dyestuffs as taught by Marshall and the method of forming a colored fabric by using spun-dyed yarns as taught by JP 479 and/or GB 327.

For the foregoing reasons, Applicants submit that Marshall, JP 479 and Van Leeuwen, in combination or alone, do not teach or suggest all of the features recited in claims 5-8 and 12-16. Reconsideration and withdrawal of the rejection are thus respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-16 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

Leana Levin

William P. Berridge
Registration No. 30,024

Leana Levin
Registration No. 51,939

WPB:LL/hs

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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